

control, or public lands or reservations within the meaning of section 26a of the Act if it:

- (a) Is a fixed enclosed structure having a cost-in-place in excess of five thousand dollars; or
- (b) Is designed or used for human habitation, regardless of cost; or
- (c) Involves a discharge into the navigable waters of the United States.

Such obstructions shall be subject to all requirements of this subpart, but nothing contained in this section shall be construed to be in derogation of the rights of the United States or of TVA under any flowage easement held by TVA.

For purposes of this section *enclosed structure* shall mean a structure enclosed overhead and on all sides so as to keep out weather.

[42 FR 65148, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

### Subpart C—Regulation of Boat-houses, Houseboats, Other Floating Structures, and Harbor Limits

#### § 1304.200 Scope and intent.

This subpart prescribes regulations governing designation of harbor areas at commercial boat docks and the approval of structures and facilities which can be moored or installed in such areas and in other areas in the Tennessee River and its tributaries, all in such a manner as to avoid obstruction of or interference with navigation and flood control, avoid or minimize adverse effects on public lands and reservations, prevent the preemption of public waters by houseboats moored in permanent or semipermanent locations outside such harbors and used as floating dwellings, attain the widest range of beneficial uses of land and land rights owned by the United States of America, enhance reasonable recreational use of TVA reservoirs by all segments of the general public, protect lands and land rights owned by the United States alongside and subjacent to TVA reservoirs from trespass and other unlawful or unreasonable uses,

and maintain, protect, and enhance the quality of the human environment.

[42 FR 65148, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

#### § 1304.201 Definitions.

For the purposes of this subpart, in addition to any definitions contained elsewhere in this part, the following words or terms shall have the meaning specified in this section, unless the context requires otherwise:

*Existing* as applied to floating boat-houses or other structures, except houseboats, means those which were moored, anchored, or otherwise installed on, along, or in a TVA reservoir on or before July 1, 1972.

*Existing* as applied to houseboats shall mean those which were moored, anchored, or otherwise installed on, along, or in a TVA reservoir on or before February 15, 1978.

*Floating boathouse* means a floating structure or facility, any portion of which is enclosed, capable of storing or mooring any houseboat or other vessel under cover.

*Houseboat* means any vessel which is equipped with enclosed or covered sleeping quarters.

*Navigable houseboat* means any self propelled houseboat having maneuverability which is (a) built on a boat hull or on two or more pontoons; (b) equipped with motor and rudder controls located at a point on the houseboat from which there is forward visibility over a 180° range; and (c) in compliance with all applicable State and Federal requirements relating to watercraft: *Provided, however*, That any existing houseboat which was deemed navigable under the provisions of the former § 1304.201, which became effective November 21, 1971, shall continue to be deemed navigable for all purposes of this subpart, except that such houseboats shall be subject to the provisions of § 1304.203(d).

*New* as applied to houseboats, floating boathouses, floats, or other structures means all houseboats, floating boathouses, or structures, other than existing ones.

*Nonnavigable houseboat* means a houseboat not in compliance with one or more of the criteria defining a navigable houseboat.

## § 1304.202

*Pontoon* means an elongated water-tight box or cylinder extending fore and aft for the full length of a vessel and having a sloped or molded bow to facilitate movement through the water.

*Vessel* means any watercraft or other structure or contrivance used or capable of use as a means of water transportation, such as a boat, floatboat, or houseboat.

[42 FR 65148, Dec. 30, 1977; 43 FR 6766, Feb. 16, 1978. Redesignated at 44 FR 30682, May 29, 1979]

### § 1304.202 Designation of harbor areas at commercial boat docks.

The landward limits of harbor areas are determined by the extent of land rights held by the dock operator. The lakeward limits of harbors at commercial boat docks will be designated by TVA on the basis of the size and extent of facilities at the dock, navigation and flood control requirements, optimum use of lands and land rights owned by the United States, and on the basis of the environmental effects associated with the use of the harbor. Mooring buoys or slips and indefinite anchoring are prohibited beyond such lakeward limits, except as otherwise provided in this subpart.

### § 1304.203 Houseboats.

(a) No new nonnavigable houseboat shall be moored, anchored, or installed in any TVA reservoir.

(b) Existing nonnavigable houseboats may remain in TVA reservoirs subject to the provisions of paragraph (d) of this section, but only if:

(1) They have flotation devices complying with § 1304.3;

(2) They are approved and numbered pursuant to §§ 1304.205 and 1304.206; and

(3) They are moored in compliance with paragraph (c) of this section.

(c) Existing nonnavigable houseboats shall be moored:

(1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or

(2) To the bank of the reservoir outside the designated harbor limits of commercial boat docks, if the houseboat owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or

## 18 CFR Ch. XIII (4-1-00 Edition)

lessee) and has requested and obtained from TVA, pursuant to § 1304.205, written approval authorizing mooring at such location.

(d) Ordinary maintenance and repair of existing nonnavigable houseboats permitted to be moored pursuant to this section may be continued, including replacement of metal drum flotation as required by § 1304.3, but such houseboats may not be structurally modified or expanded, nor may they be replaced, rebuilt, or returned to the reservoir when they have been abandoned, destroyed, or removed from the reservoir, or have deteriorated or been damaged so as to be unusable and unrepairable.

[42 FR 65149, Dec. 30, 1977; 43 FR 6766, Feb. 16, 1978. Redesignated at 44 FR 30682, May 29, 1979]

EDITORIAL NOTE: For an interpretation of § 1304.203, see the appendix to § 1304.204.

### § 1304.204 Floating boathouses.

(a) Floating boathouses may be moored in TVA reservoirs only if:

(1) They have flotation devices complying with § 1304.3;

(2) They are approved and numbered pursuant to §§ 1304.205 and 1304.206; and

(3) They are moored in compliance with paragraph (b) of this section.

(b) All floating boathouses shall be moored:

(1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or

(2) To the bank of the reservoir outside the designated harbor limits of a commercial boat dock, if the boathouse owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and has requested and obtained from TVA, pursuant to § 1304.205, written approval authorizing mooring at such location.

(c) Ordinary maintenance and repair of existing floating boathouses permitted to be moored pursuant to this section may be continued, including replacement of metal drum flotation as required by § 1304.3, but such floating boathouses may not be structurally modified or expanded, or replaced, rebuilt, or returned to the reservoir when they have been abandoned, destroyed, or removed from the reservoir, or have